WILLMAR CITY COUNCIL PROCEEDINGS BOARD ROOM HEALTH AND HUMAN SERVICES BUILDING WILLMAR, MINNESOTA

October 15, 2018 7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Audrey Nelsen, Ron Christianson, Kathy Schwantes, Fernando Alvarado, Julie Asmus, Shawn Mueske, Andrew Plowman, and Rick Fagerlie. Present 9, Absent 0.

Also present were City Administrator Ike Holland, Police Chief Jim Felt, Finance Director Steve Okins, Public Works Director Sean Christensen, Fire Chief Frank Hanson, Recreation Director Rob Baumgarn, Human Resource Director Samantha Beckman, City Clerk Judy Thompson and City Attorney Robert Scott.

Proposed additions to the agenda included: Mayor Calvin added Business-Related Vehicle Operation Policy Update; Health Insurance Approval; and Police Department Grant Submission Approval. These items were brought forward from the work session held earlier this evening.

Council Member Fagerlie moved to approve the agenda, as amended. Council Member Nelsen seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Meeting Minutes of October 1, 2018
- B. Willmar Municipal Utilities Board Minutes of October 8, 2018
- C. Planning Commission Minutes of October 3, 2018
- D. Application for Exempt Permit Kandiyohi County Pheasants Forever #2
- E. Resolution No. 18-130 Accepting Agricultural Land Leases
- F. Police Department Statistics for the Month of September, 2018
- G. Fire Department Statistics for the Month of September, 2018
- H. Building Inspection Report for the Month of September, 2018
- I. Accounts Payable Report for September 27 October 10, 2018

Council Member Nelsen offered a motion to approve the Consent Agenda. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

No one was present to speak during the Open Forum.

At 7:01 p.m. Mayor Calvin opened the public hearing for an Ordinance Repealing Coin-Operated Amusement Device Licensing. City Clerk Judy Thompson stated in the past the City has annually issued licenses for coin-operated amusement devices as required by Willmar Municipal Code Article II, Section 8, Licenses, Permits and Business Regulations, and staff finds this to no longer be necessary.

There being no one to speak for or against the proposed ordinance, Mayor Calvin closed the hearing at 7:02 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Fagerlie offered a motion to approve the proposed ordinance, adopt, assign a number and order final publication of **Ordinance No. 1430 An Ordinance of the City of Willmar, Minnesota Repealing Coin-Operated Amusement Devices Licensing Regulations.** Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1. Council Member Alvarado voted "No."

Willmar Fests President James Miller presented an update on the upcoming "Celebrate the Light of the World" display which will be held at Robbins Island from November 22^{nd} through January 6^{th} from 5:00 p.m. to 10:00 p.m. He noted there will be musical sound tract and some of the items displayed will be a 50-foot tree;

two 40-foot lighted trees; one 25-foot lighted tree; multiple 15-foot trees throughout; lighted 36-foot wide American flag; lighted nativity scene; a cross; a shooting star; 700,000 total lights of which 99 percent are LED. By having LED lights, the display will be energy efficient. The committee has been working with Willmar Municipal Utilities and Public Works Department to address any issues of concern. He stated this will again be a fund raiser for the Salvation Army and other area non-profit organizations. This will be a charitable event run through a Field of Interest Fund. The committee is working with the Willmar Area Community Foundation to set up which will allow donors to have the tax deduction. Volunteers to organize and set up the display can sign up on the Willmar Fests website or Facebook page.

Public Works Director Sean Christensen presented a request to approve a Memorandum of Agreement with the Municipal Utilities (WMU) for Water Mains and Fire Hydrants. He noted the Municipal Utilities Commission approved the agreement. Following discussion, **Resolution No. 18-131 Authorization to Approve a Memorandum of Agreement with Willmar Municipal Utilities for Water Mains and Fire Hydrants** was introduced by Council Member Mueske. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Planner Sarah Swedburg presented a request from Peart Properties, LLP to rezone property located in Willmar Industrial Park area from I-1 (Limited Industrial) to GB (General Business). The intended use of the property is a day care center. It was noted the Planning Commission held a public hearing on October 3, 2018, and approved the request. Following discussion, Council Member Plowman introduced an **Ordinance Amending Municipal Ordinance No. 1060, The Willmar Zoning Ordinance,** and set a public hearing for November 5, 2018 at 7:01 p.m. Council Member Asmus seconded the motion which carried.

Recreation Director Rob Baumgarn presented a request to apply for a grant application to Gametime for the purchase of playground equipment and use 2019 CIP dollars to pay for the equipment in 2018. The City has been working with Gametime on many playground projects. This grant is available annually, and the City has been the successful recipient in the past. The grant matches a percentage of what we have budgeted. Following discussion, **Resolution No. 18-132 Authorizing Acceptance of a Donation From Gametime for Playground Equipment** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Judy Thompson presented a request to approve removing agricultural land exemption of special assessments against property owned by Bernard Revocable Trust ETAL. It is the policy of the City to temporarily exempt from assessments certain lands currently used for agricultural purposes. Once the agricultural exemption is granted it remains on the City deferent program until its useful life is attained. Staff determined the useful life has been obtained for this property. Following discussion, **Resolution No. 18-133 Approving Removal of Agricultural Use for Temporary Exemption/Subsequent Deferment of Special Assessments** was introduced by Council Member Nelsen. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0. Council Member Christianson abstained from voting.

City Clerk Judy Thompson presented a request for Council's approval of an agricultural land exemption of special assessments, and stated it is the policy of the City to temporarily exempt from assessments certain lands currently used for agricultural purposes. Each year contact is made with the land owners to ascertain their desire to place the land in agricultural use for the upcoming crop year. **Resolution No. 18-134 Approving Certification of Agricultural Use for Temporary Exemption/Subsequent Deferment of Special Assessments** was introduced by Council Member Plowman. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Public Works Director Sean Christensen presented a request to approve a license agreement with Carris Health, LLC for the installation of two fiber optic cable lines in the amount of \$10,000.00. One fiber optic line is proposed to run from Rice Rehabilitation Center to ACMC Health. The other fiber optic line will run from Rice Hospital to Carris Health Surgery Center. Following discussion, **Resolution No. 18-135 Authorization to Execute a License Agreement with Carris Health, LLC** was introduced by Council Member Nelsen. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Human Resource Director Samantha Beckman presented a request to approve recent updates made to our current Business Related Vehicle Operation Policy. This policy needed updates related to safety and cell phone usage that wasn't addressed in the original policy. Staff's recommendation was to approve the updated policy to go into effect immediately. It was noted this item was brought forward from the Work Session held earlier this evening. Following discussion, Council Member Plowman offered a motion to approve staff's recommendation. Council Member Mueske seconded the motion which carried.

Human Resource Director Samantha Beckman presented a request to approve a health insurance plan for 2019 for City employees. Staff presented several options, and was recommending PEIP and Blue Cross Blue Shield Plan #6. It was noted PEIP requires union approval, if the unions are split then the City must offer PEIP to those that approved it and also offer an alternative plan to those that did not approve PEIP. It was noted this item was brought forward from Work Session held earlier this evening. Following discussion, Council Member Plowman offered a motion to approve PEIP and Blue Cross Blue Shield Plan #5. Council Member Fagerlie seconded the motion which carried. Council Member Alvarado voted "no." Council Member Asmus abstained.

Police Chief Jim Felt presented a request to authorize City Administrator to approve departments to apply for non-matching grants up to \$10,000.00 without Council approval. It was noted this item was brought forward from the Work Session held earlier this evening. Council Member Nelsen offered a motion to approve Staff's recommendation. Council Member Fagerlie seconded the motion which carried.

City Administrator lke Holland had the following comments: Saturday, October 20th at the Willmar Conference Center there will be a fund raiser for a firefighter's child with medical issues. The silent auction will begin at 6:00 p.m. with music at 7:00 p.m. Tickets are available at the door or at the fire station; the Mayor and City Administrator would like to schedule a retreat for the Council on January 11 and 12, 2019. Please check your calendars and email the City Administrator if these dates will work. Bruce Miles has been contacted to be the possible facilitator and the primary purpose of the retreat will be to set priorities for 2019.

Mayor Calvin had the following comments: October 29th Work Session agenda will include finance reports and committee structure discussion. He asked everyone to contact the City Administrator if there are other items they would like placed on the agenda.

Council Member Nelsen reminded everyone the League of Minnesota Cities regional meetings are currently being held. She has signed up for the Marshall meeting and asked if anyone else is interested in attending, please contact her.

Council Member Schwantes reminded everyone if they would like to volunteer to help with the "Celebrate the Light of the World" light display to sign up at WillmarFests.com.

Council Member Alvarado asked if you are stopped by the police department, please give your correct name and do not run; Willmar Community Foundation held an event last Saturday and he wanted to recognize Ross and Dawn Marcus, and Chad and Angie Koosman for all the great things they have done for our community.

Council Member Asmus thanked the police and fire departments for the great event held last week. Even though the weather was rainy and cold it was a great success.

Council Member Mueske thanked everyone involved in our road projects and for the nice streets we have to drive on.

At this time, Mayor Calvin announced the Council will go into Closed Session. Mayor Calvin stated the agenda item for the Closed Session is to determine the asking price for real property to be sold by the City and/or develop or consider offers or counteroffers for the purchase/sale of real property pursuant to State Statute §13D.05, subd. 3(c). Council Member Christianson offered a motion to close the meeting at 8:10 p.m. Council Member Nelsen seconded the motion which carried.

At 8:36 p.m. Council Member Christianson offered a motion to re-open the meeting. Council Member Asmus seconded the motion which carried.

Council Member Christianson offered a motion to approve the purchase agreement with JDC Management, Incorporated, or an affiliated entity, in substantial conformity with the draft agreement reviewed by the City Council in the closed session, and authorize the Mayor and City Administrator to sign such agreement on behalf of the City. Council Member Alvarado seconded the motion which carried.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Asmus seconding the motion which carried. The meeting adjourned at 8:37 p.m.

	<u>s/s Marv Calvin</u> MAYOR	
Attest:	MITOR	
s/s Judy Thompson SECRETARY TO THE COUNCIL		

RESOLUTION NO. 18-130

Motion By: <u>Nelsen</u> Second By: <u>Mueske</u>

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota that the Mayor and City Administrator be authorized to execute Land Lease Agreements between the City of Willmar and the following Lessees:

Justin Boike	Section 17 and 18, Township 119 N, Range 35W 73 acres more or less	Tract 1
Justin Boike	Section 17, Township 119N, Range 35W 143.8 acres more or less	Tract 2
Darrin Caspers	Lot 9, Block 1, Willmar Industrial Park 3^{rd} Add. 11.01 acres more or less	Tract 3
Justin Boike	Section 20, Township 119N, Range 35W 56 acres more or less	Tract 4
Mark Johnson	Section 17, Township 119N, Range 35W 17.2 acres more or less	Tract 5
Justin Boike	Section 16 & 17, Township 119N, Range 35W 74.03 acres more or less	Tract 6
Justin Boike	Lot 1, Block 3 Willmar Industrial Park 3 rd Addition 24.48 acres more or less	Tract 7
Dennis Bredeson	Section 14, Township 119N, Range 36W 14.1 acres more or less	R.O.W. 1

Daniel Groothuis	Section 11, Township 119N, Range 36W 63.56 acres more or less	R.O.W. 2
Daniel Groothuis	Section 11, Township 119N, Range 36W 10.62 acres more or less	R.O.W. 3
Rick & Tim Kallevig	Section 13, Township 119N, Range 36W 138.94 acres more or less	R.O.W. 4
C&B Farms	Section 11, T119N, R36W 6 acres more or less	R.O.W. 5
Rick & Tim Kallevig	Hay Ground 200 acres more or less	HAY GROUND
Dated this 15 th day of October 2	2018.	
	_ s/s Marv Ca	luin
	MAYOR	IVIII
Attest:		
_s/s Judy Thompson CITY CLERK		
	RESOLUTION NO. 18-131	
	PROVE A MEMORANDUM OF AGREEMENT WITH TIES FOR WATER MAINS AND FIRE HYDRANTS	
Motion By: M	ueske Second By: Schwante	28
Minnesota, that the City Admin	ne City Council of the City of Willmar, a Municipa strator be authorized to sign a Memorandum of Aş I Utilities for water mains and fire hydrants.	
Dated this 15 th day of October,	2018	
	a /a Marry Co	alesia.
	<u>s/s Marv Ca</u> MAY	
Attest:		
a /a Iv. dv. Th awar		
s/s Judy Thompson CITY CLERK		

RESOLUTION NO. 18-132

RESOLUTION AUTHORIZING ACCEPTANCE OF A DONATION FROM GAMETIME FOR PLAYGROUND EQUIPMENT

Motion By: <u>Fagerlie</u>	Second By: Nelsen	
BE IT RESOLVED by the City Council of the City of Department for, and the acceptance of if awarded, a grant and appropriate \$100,000 to be used in 2018.	Willmar to approve an application by the Recreation from Gametime to purchase playground equipment	
Dated this 15th day of October, 2018		
Attest:	s/s Marv Calvin MAYOR	
s/s Judy Thompson CITY CLERK		
RESOLUTION NO. 18-133		

RESOLUTION APPROVING REMOVAL OF AGRICULTURAL USE FOR TEMPORARY EXEMPTION/SUBSEQUENT DEFERMENT OF **SPECIAL ASSESSMENTS**

Motion By: _	Nelsen	Second By:_	Plowman

WHEREAS, the following properties located with the City of Willmar were exempted from payment of special assessments pursuant to the agricultural exemption policy:

Bernard Revocable Trust Etal c/o William Bernard 100 Promenade Ave, Apt 406 Wayzata

95-912-0970

Project 9701

\$12,119.04

Section 12, Township 119, Range 35 North 1,655 feet of Northwest Quarter except the West 40 acres thereof. (60 acres)

WHEREAS, the City of Willmar Comprehensive Assessment Policy sets life expectancy for each improvement, and

WHEREAS, the useful life of a watermain is forty (40) years and street is twenty (20) years from the date of initial construction.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Willmar, Minnesota, that the records of the deferred and pending assessments of the above parcels be hereby removed.

	s/s Mary Calvin
	MAYOR
Attest:	
s/s Judy Thompson	
CITY CLERK	

RESOLUTION NO. 18-134

RESOLUTION APPROVING CERTIFICATION OF AGRICULTURAL USE FOR TEMPORARY EXEMPTION/SUBSEQUENT DEFERMENT OF SPECIAL ASSESSMENTS

Motion By:	Plowman	Second By:_	Fagerlie

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street and other improvements made under Projects No. 0501, 8606, 1404, and 1601, and certain sewer and watermain improvements made under Projects No. 9303 and 9002.

WHEREAS, Section W of the City of Willmar Comprehensive Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agriculture purposes; and

WHEREAS, certain property owners have made application to the City for delayed payment of taxes on special assessments and have met the criteria contained in the Comprehensive Assessment Policy for said deferment:

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred until such property is developed or upon approval of the final plat, and that no interest be charged until such time.

BE IT FURTHER RESOLVED that upon development or plat approval that tapping fee shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater:

1.	Gesch Properties LLC c/o LeAnn Isaacson	95-914-2610	
	10785 46 th Place N	Project 9002	\$39,731.66
	Plymouth	Project 9303	20,130.42
		Project 0501	77,504.80
		Project 1404	180.688.13

Section 14, Township 119, Range 35

South 610 feet of Northeast Quarter except West 393.61 feet; Southeast Quarter except South 914.88 feet of West 1085 feet and except parts in plats-Bergquists Estates, Perkins Fifth Addition and Gesch Park except that part of the South Half of Northeast Quarter described as follows: Commencing 715 feet South and 393.61 feet East of Northwest Corner of Southwest Quarter Northeast Quarter, Thence East to Southwest Corner of Lot 7, Block 7 Erickson's Third Addition, Thence South 70 feet, Thence West to East Line of Welch's Addition, Thence North 70 feet to point of beginning and except part platted into

Gesch YMCA Addition and except that part of the South Half of the Southeast Quarter described as follows: Beginning at the Northwest Corner of Lot 2, Block 1, Gesch YMCA Addition, Thence South 548.78 feet, Thence West 363.89 feet, Thence North 54 feet to Southeast Corner of Lot 1, Block 6, Perkins Fifth Addition, Thence continuing North 495 feet to Northeast Corner of Lot 1, Block 4, Perkins Fifth Addition, Thence East along Southerly right-of-way boundary line of Olena Avenue 363.89 feet to point of beginning; except part platted into City of Willmar 12th Street Southeast right-of-way plat. (87.23 acres)

 Jean Langsjoen-Hogan Trust and Carter Family c/o Craig Carter 2337 Kennedy Drive Faribault 95-903-0010 Project 0501 \$93,012.00

Section 3, Township 119, Range 35

Southeast Quarter of Southwest Quarter and Southwest Quarter of Southwest Quarter except the Southerly 350 feet of the Westerly 233 feet of Southwest Quarter of Southwest Quarter and except parts platted as Northwood Estates and Northwood Estates Second Addition; and also except that permanent utility easement described as follows: That part of the Southwest Quarter of the Southwest Quarter described as follows: Commencing at Southwest Corner of said Southwest Quarter of the Southwest Quarter, Thence East 844.61 feet, Thence North 108.96 feet to North right-of-way line of North Shore Way, said point being point of beginning of tract herein described, Thence Northwesterly 50 feet, Thence Northeasterly 100 feet, Thence Southeasterly 50 feet to North right-of-way line of North Shore Way, Thence Southwesterly 100 feet to point of beginning. (64.13 acres)

3. J & C Enterprises of Central MN c/o Stephen Jennings PO Box 639

Project 8606

\$17,869.51

Richmond

Hidden Valley Estates

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95-308-0010
               Sect-08 TWP -119 Rang-35 Lot-001 Blk-001
95-308-0020
               Sect-08 TWP -119 Rang-35 Lot-002 Blk-001
95-308-0030
               Sect-08 TWP -119 Rang-35 Lot-003 Blk-001
95-308-0040
               Sect-08 TWP -119 Rang-35 Lot-004 Blk-001
95-308-0050
               Sect-08 TWP -119 Rang-35 Lot-005 Blk-001
95-308-0060
               Sect-08 TWP -119 Rang-35 Lot-006 Blk-001
               Sect-08 TWP -119 Rang-35 Lot-007 Blk-001
95-308-0070
95-308-0080
               Sect-08 TWP -119 Rang-35 Lot-008 Blk-001
95-308-0090
               Sect-08 TWP -119 Rang-35 Lot-009 Blk-001
95-308-0100
               Sect-08 TWP -119 Rang-35 Lot-010 Blk-001
95-308-0110
               Sect-08 TWP -119 Rang-35 Lot-011 Blk-001
95-308-0120
               Sect-08 TWP -119 Rang-35 Lot-012 Blk-001
95-308-0130
               Sect-08 TWP -119 Rang-35 Lot-013 Blk-001
95-308-0140
               Sect-08 TWP -119 Rang-35 Lot-014 Blk-001
95-308-0150
               Sect-08 TWP -119 Rang-35 Lot-015 Blk-001
               Sect-08 TWP -119 Rang-35 Lot-016 Blk-001
95-308-0160
95-308-0170
               Sect-08 TWP -119 Rang-35 Lot-017 Blk-001
95-308-0200
               Sect-08 TWP -119 Rang-35 Lot-001 Blk-002
95-308-0210
               Sect-08 TWP -119 Rang-35 Lot-002 Blk-002
95-308-0220
               Sect-08 TWP -119 Rang-35 Lot-003 Blk-002
95-308-0230
               Sect-08 TWP -119 Rang-35 Lot-004 Blk-002
95-308-0300
               Sect-08 TWP -119 Rang-35 Lot-001 Blk-003
95-308-0310
               Sect-08 TWP -119 Rang-35 Lot-002 Blk-003
95-308-0320
               Sect-08 TWP -119 Rang-35 Lot-003 Blk-003
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Sect-08	TWP -119	Rang-35	Lot-004 Blk-003
Sect-08	TWP -119	Rang-35	Lot-005 Blk-003
Sect-08	TWP -119	Rang-35	Lot-006 Blk-003
Sect-08	TWP -119	Rang-35	Lot-007 Blk-003
Sect-08	TWP -119	Rang-35	Lot-008 Blk-003
Sect-08	TWP -119	Rang-35	Lot-009 Blk-003
Sect-08	TWP -119	Rang-35	Lot-010 Blk-003
Sect-08	TWP -119	Rang-35	Lot-001 Blk-004
Sect-08	TWP -119	Rang-35	Lot-002 Blk-004
Sect-08	TWP -119	Rang-35	Lot-003 Blk-004
Sect-08	TWP -119	Rang-35	Lot-004 Blk-004
Sect-08	TWP -119	Rang-35	Lot-001 Blk-005
Sect-08	TWP -119	Rang-35	Lot-002 Blk-005
Sect-08	TWP -119	Rang-35	Lot-003 Blk-005
Sect-08	TWP -119	Rang-35	Lot-004 Blk-005
Sect-08	TWP -119	Rang-35	Lot-005 Blk-005
Sect-08	TWP -119	Rang-35	Lot-006 Blk-005
	Sect-08	Sect-08 TWP -119	Sect-08 TWP -119 Rang-35

4. Erickson Land Company of Willmar

95-912-0950 Project 1601

PO Box 628

.601 \$26,156.80

Willmar

SECT-12 TWP-119 RANG-35

That part of the West Half of Northwest Quarter described as follows: Commencing at the Northwest corner of said Section 12, Thence South 977.23 feet to point of beginning of tract herein described, Thence East 113.15 feet, Thence Northeasterly 120.30 feet, Thence Northeasterly 138.50 feet, Thence Southeasterly 196.87 feet, Thence Southeasterly 318.20 feet, Thence Southwesterly 15.49 feet, Thence Southeasterly 149.81 feet, Thence Southeasterly 153.04 feet, Thence Easterly 193.16 feet to East line of West 40 acres of North 1655 feet of said Northwest Quarter, Thence South 389.82 feet to South line of North 1655 feet of said Northwest Quarter, Thence West 1053 feet to West line of said Section 12, Thence North 677.77 feet to point of beginning, Except that part platted as Trentwood Estates Third Addition.(14.11 acres)

Dated this 15 th day of October 2018.		
	s/s Marv Calvin	
	Mayor	
Attest:		
s/s Judy Thompson		
City Clerk		

RESOLUTION NO. 18-135

AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT WITH CARRIS HEALTH, LLC

Motion By: <u>Nelsen</u>	Second By: Alvarado
	of the City of Willmar, a Municipal Corporation of the State of tor be authorized to enter into a license agreement between the use of public right-of-way.
Dated this 15 th day of October, 2018	
	s/s Marv Calvin
Attest:	MAYOR
s/s Judy Thompson	
CITY CLERK	